

AMENDED IN ASSEMBLY APRIL 19, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1039

Introduced by Assembly Member Frommer

February 22, 2005

An act to amend ~~Section 5642~~ *Sections 5642 and 5646* of the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1039, as amended, Frommer. Urban Park Act of 2001.

Existing law establishes the Urban Park Act of 2001, which requires the Department of Parks and Recreation to establish a local assistance program to offer grants, on a competitive basis, to various local entities and nonprofit organizations, as defined, for the acquisition or development, or both, of urban parks and recreational areas and facilities. For purposes of the act, the term, "facilities" is defined to include, but is not limited to, places for organized team sports, outdoor recreation, and informal turf play; nonmotorized recreational trails; permanent play structures; landscaping; places for passive recreation, enjoyment of scenic open space, nature appreciation and study, and outdoor education; multipurpose structures designed to meet the special recreational, educational, vocational, and social needs of youth, senior citizens, and other urban population groups; and infrastructure and other improvements that support these facilities. *The act sets forth criteria that the department is required to consider in assigning a higher priority to a grant application.*

This bill would revise that definition of "facilities" to also include community gardens. *The bill would also add a new criterion, as*

specified, that the department would be required to consider in assigning a higher priority to a grant application.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5642 of the Public Resources Code is
2 amended to read:

3 5642. As used in this article, the following terms shall have
4 the following meanings:

5 (a) “City” means a city or a city and county.

6 (b) “District” means a regional park district, regional park and
7 open-space district, or regional open-space district formed
8 pursuant to Article 3 (commencing with Section 5500) of
9 Chapter 3, or a recreation and park district formed pursuant to
10 Chapter 4 (commencing with Section 5780).

11 (c) “Facilities” includes, but is not limited to, places for
12 organized team sports, outdoor recreation, and informal turf play;
13 nonmotorized recreational trails; permanent play structures;
14 landscaping; community gardens; places for passive recreation,
15 enjoyment of scenic open space, nature appreciation and study,
16 and outdoor education; multipurpose structures designed to meet
17 the special recreational, educational, vocational, and social needs
18 of youth, senior citizens, and other urban population groups; and
19 infrastructure and other improvements that support these
20 facilities.

21 (d) “Heavily urbanized county” means a county with a
22 population of 500,000 or more, and a density of at least 1,100
23 persons per square mile, based on the most recent verifiable
24 census data.

25 (e) “Nonprofit organization” means any nonprofit public
26 benefit corporation formed pursuant to the Nonprofit Corporation
27 Law (Division 2 (commencing with Section 5000) of the
28 Corporations Code), qualified to do business in California,
29 qualified under Section 501(c)(3) of Title 26 of the United States
30 Code, and that has among its primary purposes the preservation,
31 protection, or enhancement of land or water resources in their
32 natural, scenic, historical, agricultural, forested, or open space
33 condition or use, or the provision of conservation and

1 environmental education and other recreational, vocational, and
2 educational services to urban youth.

3 *SEC. 2. Section 5646 of the Public Resources Code is*
4 *amended to read:*

5 5646. In evaluating applications for grants that meet the
6 requirements of Section 5645, the department shall assign higher
7 priority to applications, for each of the following criteria
8 satisfied:

9 (a) The amount of the grant applied for, together with any
10 matching contribution, will meet all the costs of acquiring or
11 developing, or both, the new urban park or facilities, and when
12 construction of the project is completed, the new urban park or
13 facility will be fully usable by the residents of the project's
14 service area.

15 (b) The project's service area has significant deficiencies in
16 parks and facilities relative to other areas of the applicant's
17 jurisdiction.

18 (c) The project will enhance employment opportunities for
19 residents, including at-risk youth, of the project's service area, or
20 of members of the California Conservation Corps or certified
21 local conservation corps.

22 (d) The project will accommodate outdoor learning
23 opportunities for school pupils or at-risk youth from the project's
24 service area, or of members of the California Conservation Corps
25 or certified conservation corps.

26 (e) The project will be usable by pupils from one or more
27 public schools in the project's service area.

28 (f) The application includes a commitment for a matching
29 contribution. The matching contributions may be in the form of
30 money from any source, including funds from other state local
31 assistance programs; gifts of real property, equipment, and
32 consumable supplies; volunteer services; free or reduced-cost use
33 of land, facilities, or equipment; and bequests and income from
34 wills, estates, and trusts. The department shall evaluate the
35 amount of the matching contribution in terms of its
36 proportionality in relation to the economic resources of the
37 applicant.

38 (g) The project will wholly or partly replace an area of blight,
39 or will contribute significantly to the economic revitalization of
40 the area in the project's service area.

1 (h) The development phase of the project was planned with
2 public input from the affected community.

3 (i) The project is a joint-use project between two or more
4 agencies that share responsibility for ownership, development,
5 and maintenance of the project.

6 (j) *The project creates a new park in a location where none*
7 *currently exists.*

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